

REMARKS

Please cancel claim 27 without prejudice or disclaimer.

Claim Rejections – 35 USC § 102

Reconsideration is respectfully requested for Claims 24, 30, 34, and 35, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,494,404 to Meyer (hereafter Meyer '404). These rejections are respectfully traversed for at least the following reasons.

Claim 24 has been amended to include “a track mounted within said aircraft onto which the frame is slidably mountable wherein said track allows the frame to be moved into and out of said aircraft.” This amendment incorporates the limitations of former dependent claim 27 as well as the additional limitation that the track be mounted within the aircraft. Claim 27 has not previously been rejected with the Meyer '404 reference. Meyer '404 does not teach, disclose, or suggest a track mounted within said aircraft onto which the frame is slidably mountable wherein said track allows the frame to be moved into and out of said aircraft, as required by amended Claim 24. Applicant respectfully submits Meyer '404 does not anticipate Claim 24 because it does not teach each and every element of Claim 24. Claims 30, 34, and 35 directly or indirectly depend from Claim 24, and are therefore submitted to also be patentable for at least the reasons set forth above.

Reconsideration is respectfully requested for Claims 24, 27, 28, 35, and 58, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,289,981 to Meyer (hereafter Meyer '981). These rejections are respectfully traversed.

Claim 24 has been amended to include “each side of the compartment is substantially open when removed from said aircraft, so the plurality of seats are accessible from the exterior of the compartment when the compartment is removed from the aircraft.” Meyer '981 does not teach, disclose, or suggest each side of the compartment is substantially open when removed from said aircraft, so the plurality of seats are accessible from the exterior of the compartment when the compartment is removed from the aircraft, as required by amended Claim 24.

In sharp contrast, the capsule 10 disclosed in Meyer '891 can be seen to have at least an enclosed front end and sidewalls in Figures 1 and 6, for example. Therefore, Meyer '891 does

not disclose each side of the compartment being substantially open when removed from said aircraft and it doesn't disclose plurality a of seats are accessible from the exterior of the compartment when the compartment is removed from the aircraft. These sidewalls and end do not allow passengers to access each row of seats from the exterior of the pod, but rather require a line to form for filling in the seats. Further, the capsule disclosed by Meyer '891 is directed to a configuration that is suspended from a rail, and requires structure encapsulating the seats for safety reasons. Applicant respectfully submits Meyer '891 does not anticipate Claim 24 because it does not disclose each and every element of Claim 24. Claims 28, 35, and 58 directly or indirectly depend from Claim 24, and are therefore submitted to also be patentable for at least the reasons set forth above.

Claim Rejections – 35 USC § 103

Reconsideration is respectfully requested for Claims 25, said claims having been rejected under 35 USC 103(a) as being unpatentable over either Meyer '404 or Meyer '981, as applied to Claim 24, and further in view of U.S. Patent No. 2,388,380 to Bathurst. These rejections are respectfully traversed. Claim 25 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claims 29, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Meyer '404 or Meyer '981, as applied to Claim 24, and further in view of U.S. Patent No. 6,007,025 to Coughren. These rejections are respectfully traversed. Claim 29 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 32, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Meyer '404 or Meyer '981, as applied to Claim 24, and further in view of U.S. Patent No. 5,716,027 to Hart. These rejections are respectfully traversed. Claim 32 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 39, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Meyer '404 or Meyer '981, as applied to

Claim 24, and further in view of U.S. Patent No. 6,281,797 to Forster. These rejections are respectfully traversed. Claim 39 depends indirectly from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claims 33, 37, 38, and 57, said claims having been rejected under 35 USC 103(a) as being unpatentable over either Meyer '404 or Meyer '981, as applied to Claim 24. These rejections are respectfully traversed. Claims 33, 37, 38, and 57 depend, directly or indirectly, from Claim 24 and are thereby submitted to be patentable for the reasons set forth above.

Allowable Subject Matter

Applicants appreciate the Examiner's allowance of Claim 26 if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 26 has been rewritten to include these limitations and is now believed to be in formal condition for allowance.

Conclusion

In light of the above amendments and discussion, Applicant respectfully submits that the application now stands in prima facie condition for allowance and courteously requests that this application be advanced to issue. The Applicant is of the opinion that no additional fees are required with the submission of this response. However, if additional fees are required, the Commissioner is hereby respectfully authorized to deduct such fees from Deposit Account Number 13-2166. The Examiner is respectfully invited to call the Applicant's representative, Ryan S. Christensen, at 713-355-4200, to discuss any matters that may arise, where such discussion may resolve such matters and place this application in condition for allowance.

Respectfully Submitted,

Date 9-12-07

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